

REMARKS

Status of the Claims

Claims 1-34 stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite, claims 17 and 21-23 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,205,186 (Butler), and claims 35-38 stand withdrawn as allegedly drawn to a different invention. The Office Action indicated that claims 1-16, 18-20, and 24-34 are allowable over the prior art, provided the indefiniteness rejections could be overcome.

The Applicants hereby amend claims 1-3, 11, 17, 19 and 25-27. Claims 18 and 35-38 are canceled.

Interview

The Examiner and the undersigned attorney conducted a telephonic interview on July 18, 2005, at which time the indefiniteness and prior art rejections were discussed. Agreement was reached in principle on amendments that would overcome the rejections. Such amendments are made to the claims in this Response.

Indefiniteness Rejections

Independent claims 1, 11, 17, and 25 stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite in the recitation of the decoder's state and changes thereto. Those claims are amended herein to more clearly recite the decoder's state and changes thereto. As discussed in the interview, those claims are now clear and definite, and their rejections under § 112, ¶ 2 should be withdrawn.

Dependent claims 2, 3, 26 and 27 also stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite for lack of antecedent basis. Those claims have been

amended herein to clarify the antecedent basis, and the Applicants respectfully request withdrawal of those rejections.

The present amendments to the claims are not narrowing amendments. For example, the amendments to claims 1, 17, and 25 merely positively recite decoder state characteristics that were already inherent in the claims. As another example, the amendments to claims 2, 3, 26, and 27 clarify but do not narrow the scope of those claims.

Prior Art Rejections

Independent claim 17 stands rejected under 35 U.S.C. § 102 as allegedly being anticipated by Butler, while the Office Action indicated that claim 18 and other dependent claims contain allowable subject matter. The Applicants herein cancel claim 18 and amend claim 17 to include the limitations of claim 18.* Claim 17 is therefore now allowable over Butler. Furthermore, the Examiner agreed during the interview that this amendment would overcome the indefiniteness rejection of claim 17. Claim 17 and its dependent claims 19-24 are now in allowable form.

Claims 35-38

Claims 35-38 are cancelled herein, notwithstanding the Applicants' traversal of the restriction requirement by which they were withdrawn. The Applicants reserve the right to pursue the subject matter of those claims in a continuation application.

* The amendment to claim 17 also corrects a typographical error that appeared in claim 18, changing "said data replay logic" to "said data replay means." Furthermore, claim 19 is amended to depend from claim 17 rather than canceled claim 18.


Conclusion

In view of the foregoing amendments and remarks, the present application is now believed to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if any issues remain.

Respectfully submitted,

Digeo, Inc.

Date: 2006 July 20

By 
Matthew C. Phillips
Registration No. 43,403

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, Oregon 97204
Telephone: (503) 224-3380
Facsimile: (503) 220-2480